

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA §

VS § CRIMINAL NO: 1:10CR70-16

ALDO ALBER MALDONADO HERRERA §

PRE-TRIAL ORDER

This case is set for **Final Pre-Trial** on September 1, 2010 at 9:00 a.m., in Courtroom #2, U.S. District Courthouse, Beaumont, Texas, and **Jury Selection** and **Trial** on September 2, 2010 at 9:00 A.M.

The following deadlines shall apply in this case.¹

August 18, 2010 Any motion for continuance shall be filed with the court.

August 22, 2010 Counsel for the government shall deliver to counsel for the
the defendant(s) proposed jury instructions.

¹All deadlines shall be as of 4:00 p.m., on the day specified. If delivery of a document or other item is required, and counsel chooses to mail the same, it shall be deposited, properly addressed and postage pre-paid, in a mailbox, or at a post office, at least three (3) days before the indicated deadline, on a day mail is scheduled to be picked up by the postal service at that location, and at a time before the last scheduled pickup.

August 25, 2010

Pursuant to the holding in *United States of America v. Ellis*, 547 F.2d 863 (5th Cir. 1977) the parties shall notify the court of any plea agreement. Notification shall be by hand delivery or fax of a signed copy of the plea agreement. No plea agreement entered into after the deadline shall be honored by the court without good cause shown.

August 25, 2010

If the parties do not notify the court of a plea agreement as provided above, defense counsel shall deliver to counsel for the government any additional jury instructions desired by defendants. If two or more defendants are represented by separate counsel, their submission should be made jointly.

August 26, 2010

Counsel for defendant(s) and counsel for the government shall confer to determine which jury instructions can be agreed to.

August 26, 2010

Parties shall file any motions in limine.

August 28, 2010

Counsel for the government and counsel for the defendant(s) shall:

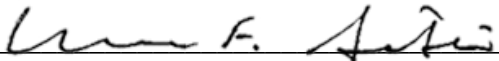
- A. Jointly file agreed upon instructions;
- B. Each file their desired proposed instructions which were not agreed upon, citing the authority for each instruction;
- C. Each file any objections to the other's proposed jury instructions. Objections must be written, specific, cite authority, and include any alternate instructions counsel deem more appropriate; and
- D. If counsel believes that a written response to a particular motion in limine is needed, file it.²

Any party seeking to file proposed jury instructions after the deadline may do so only with leave of the court.

²This is not an invitation or requirement to file written responses. Most motions in limine can be decided without a written response. But, if briefing is needed on a particularly difficult or novel issue the court needs some time to review the matter.

All exhibits to be used for trial shall be pre-marked numerically and in succession. (Groups of exhibits pertaining to the same subject, such as photos of the same scene may, at counsel's discretion, be numbered and lettered, *ie* 2a, 2b, 2c, etc.) Prior to the start of a party's case in chief, that party shall provide opposing counsel and the court a list of witnesses and a list of exhibits anticipated to be introduced during the case in chief, and a copy of each marked exhibit.

SIGNED this 6th day of July 2010.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE